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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 002307

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [GG](#)

SUBJECT: GEORGIA: ELECTORAL CODE PASSES THIRD READING WITH  
A BIT OF CONTROVERSY

REF: TBILISI 2170

Classified By: DEPUTY CHIEF OF MISSION KENT LOGSDON REASONS: 1.4 (B) A  
ND (D).

11. (U) Summary: The Electoral Code (ref A) passed its third reading after a three day delay due to opposition Christian Democrats' objections about voter lists and voter registration procedures. The only notable change to the code on the third reading was the adoption of an amendment that bars new residents of Tbilisi who register between January 15 and June 1, 2010 from voting in Tbilisi during upcoming local elections -- apparently a concession from the ruling party in response to opposition concerns that the UNM would attempt to bring in new voters to beef up its rolls. These residents remain eligible to vote in the municipality in which they previously resided. The law will be sent to the Venice Commission for review. End Summary.

12. (C) Comment: The passage of the code was expected. While the amendment to bar registration of new residents in the lead up to the 2010 Tbilisi mayoral elections is intended to curb fraud, it is unclear what if any impact it will have. Depending on one's point of view, the whole episode either reveals that the opposition is already creating excuses for what according to recent polls looks to be potentially disappointing results, or confirmation that the UNM is engaging in systematic fraud that needs to be quickly addressed. In any event, politically jockeying has begun in earnest six months ahead of local elections. End Comment.

Code Passes As Expected with a Minor Hitch

13. (C) Opposition parties, led by the Christian Democrats, called for an emergency meeting with diplomats, NGOs and political party representatives after voicing objections to the Electoral Code which was expected to pass on December 25. A meeting was held on December 28 that essentially consisted of the Electoral Law Working group plus NGOs and a smattering of the diplomatic community. What transpired was largely a discussion between UNM representative Pavel Kubliashvili (Chairman of Parliamentary Legal Committee), Tina Khidasheli (Republican Party member and wife of Republican leader David Usupashvili) and CDM MP and Vice Speaker Levan Vepkhadze about verifying voter lists and registration. The meeting was cordial with both sides raising their concerns, although no conclusions were reached. Khidasheli and Vepkhadze articulated their concerns about the propriety of voter lists and creating mechanisms to discourage fraud. UNM representative Kubliashvili expressed his concern that the opposition was trying to blame the UNM in advance for a potential poor showing during elections and called allegations of voter list rigging groundless. Later the same day, Parliament passed the Electoral Code but did not gain the support of the Christian Democrats who abstained. The Electoral Code will now be sent to the Venice Commission for review, with recommendations expected to be returned in March.

14. (C) The code passed with an additional provision that bars new residents of Tbilisi who register residency between

January 15 and June 1, 2010 from voting in Tbilisi. The new Tbilisi residents will be able to vote in the districts in which they previously resided. MP Guram Chakhvadze (National Democrats) expressed his concern that the amendment would unduly limit the ability of new residents who legitimately move to Tbilisi to vote. An idea to close the voter list a month in advance of elections was rejected by the UNM who argued that parties have access to the voters lists from now Qargued that parties have access to the voters lists from now until the election and could verify names at any point so no such provision was necessary. (Note: While not yet officially scheduled, according to the electoral code, elections must take place before June 1. End Note.) Kubliashvili added that political parties would receive extra budgetary resources to pay for monitoring and verification of voter lists.

#### Effect of Anti-Fraud Amendment Questionable

15. (C) Opposition members expressed skepticism that the amendment would prevent UNM fraud. Deputy Speaker Vepkhadze (CDM) told Poloff that the amendment does nothing to stop fraudulent registrations occurring before the January 15 deadline. He stressed that the GoG controls the distribution of identification cards so they could easily create legitimate identification documents that were backdated to enable fraudulent participation in the elections, as well as create fake identities to pad the voters lists. Kubliashvili highlighted to Poloff that nothing was currently preventing the opposition from bringing people to Tbilisi and applying for residence solely for the purpose of voting in the Tbilisi local election. He expressed his displeasure that the UNM was already being accused of rigging elections without a

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concrete basis for these claims.

#### Voter Lists Tough to Verify - Concrete Evidence Lacking

16. (C) Irakli Melashvili (National Forum) told Poloff that uncovering fraud in voter lists was an extremely difficult task. Melashvili said that door to door checks could turn up anecdotal evidence of fraud but exposing widespread systematic fraud was difficult. Melashvili explained that many people are legitimately not at home at the time of the verification; nobody was compelled to even open their door to speak to questioners; and those committing fraud are sophisticated enough not to admit it to anybody trying to uncover it. Former Deputy Ombudsman (and current deputy chairman of GYLA) Giorgi Chkheidze told Poloff at least three weeks was needed to verify a voter list to come to any sort of conclusion -- making voter list verification daunting. Because of these factors, Melashvili said National Forum plans to propose that voters lists include biometric data such as a photo and/or fingerprints to be able to uncover fraud after the fact. According to Melashvili, virtually all the opposition was ready to support this proposal. Melashvili said that the proposed measures should be incorporated into any future election cycle and if implemented would greatly reduce the ability to commit electoral fraud but added that as a technical (and political) matter the incorporation of such measures in the upcoming local election was not realistic.

17. (C) Melashvili told Poloff that he had no conclusive evidence that widespread fraud was currently taking place. He said that National Forum would be looking for discrepancies in voter registration and voter lists as compared to previous elections to try to uncover any significant deviations. Vepkhadze also told Poloff he was more concerned about potential fraud than fraud that was currently ongoing. Melashvili concluded that the UNM had no need to commit electoral fraud due to its strong polling and Alasania's floundering campaign. He lamented that as it stood today, the opposition would once again face electoral defeat due to their own internal disagreements regardless of

whether the UNM engaged in systematic fraud or not.  
BASS